

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTIONS 19.04.157, 19.40.020, 19.40.030 AND 19.58.024 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO THE REGULATION OF ADULT ORIENTED RECREATION USES AND DRUG PARAPHERNALIA SHOPS

The City Council of the City of Chula Vista does hereby resolve as follows:

SECTION I: That Sections 19.04.157, 19.40.020, 19.40.030 and 19.58.024 of the Chula Vista Municipal Code be, and the same are hereby amended to read as follows:

Sec. 19.04.157 Narcotic or Drug Paraphernalia Shop.

"Narcotic or Drug Paraphernalia Shop" or "Head Shop" shall mean any business establishment or a portion of the premises of any business establishment wherein devices, contrivances, instruments or paraphernalia for smoking, sniffing or injection of marijuana, hashish, cocaine, PCP or any controlled substance, is displayed or offered for sale.

Sec. 19.40.020 Permitted uses.

Principal permitted uses in a C-T zones are as follows:

- A. Store, shops and offices supplying commodities or performing services for residents of the city as a whole or the surrounding community, such as department stores, banks, business offices and other financial institutions and person service enterprises;
- B. New car dealers and accessory sale of used cars (see Section 19.40.030 for used car lots); boat and equipment sales and rental establishments, subject to the provisions of Section 19.58.210;
- C. Motor hotels and motels, subject to the provisions of Section 19.58.210;
- D. Retail shops for the sale of auto parts and accessories, souvenirs, curios and other products primarily to serve the travelling public;
- E. Restaurant and cocktail lounges;
- F. Animal hospitals and veterinary clinics, subject to the provisions of Section 19.58.050;
- G. Bakery and creamery establishments;
- H. Printing and publishing or lithographic shops;
- I. Commercial recreation facilities, such as swimming pools, bowling alleys, skating rinks, subject to the provisions of Section 19.58.040;

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- J. Plant nurseries;
- K. Any other retail business or service establishment determined by the commission to be of the same general character as the above permitted uses;
- L. Accessory uses and buildings customarily appurtenant to a permitted use;
- M. Electrical substations and gas regulator stations subject to the provisions of Section 19.58.140;
- N. Agricultural uses, as provided in Section 19.16.030.
- O. Adult oriented recreation businesses, subject to the provisions of Section 19.58.024.

Sec. 19.40.030 Conditional uses.

Conditional uses in a C-T zone include:

- A. Used car lots and motorcycle sales and repair, subject to the provisions of Section 19.58.070;
- B. Trailer and equipment sales and rental establishments and towing service;
- C. Drive-in theaters, subject to the provisions of Section 19.58.120, and provided that the screen shall be so located and designed that it is not visible from adjacent thoroughfares, and said screen shall be set back not less than one hundred feet from any street or thoroughfare;
- D. Automobile service stations, garages for major and minor repairs, as defined herein; and car-washing establishments, subject to the provisions of Sections 19.58.060 and 19.58.280;
- E. Carpenter shop, electrical, plumbing or heating shops;
- F. Dancehalls, subject to the provisions of Section 19.58.040;
- G. Truck and trailer service, including major repair;
- H. Building material sales yard, not including concrete mixing;
- I. Automobile storage, contractor's equipment storage yard, or storage, sale and rental of equipment commonly used by contractors'
- J. Signs in excess of maximum, as established in Section 19.40.040;
- K. Bait and tackle shops;
- L. Commercial recreation facilities (outdoor);
- M. Upholstery shops;

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- N. Automobile paint and body shops;
- O. Wholesale bakeries;
- P. Laundries, except industrial; and cleaning and dyeing plants;
- Q. Used clothing sales;
- R. Lumberyards;
- S. Radiator repair shops;
- T. Unclassified uses, see Chapter 19.54;
- U. Knitting and weaving shops;
- V. Cardrooms;
- W. R-3 residential uses as regulated in the R-3 zoning district, subject to the provisions of Section 19.40.160.

Sec. 19.58.024 Adult-oriented recreation businesses.

- A. The following described businesses are deemed to be adult-oriented recreation businesses, and shall only be permitted in the C-T zone.
 - 1. Adult bookstores;
 - 2. Adult motion picture theaters;
 - 3. Adult mini-motion picture theaters;
 - 4. Cabarets;
 - 5. Coin-operated adult entertainment facilities;
 - 6. Massage parlors;
 - 7. Body painting studios;
 - 8. Dance halls;
 - 9. Model studios;
 - 10. Sexual encounter studios and rap parlors.
 - 11. Narcotic or drug paraphernalia shop.
- B. Location Requirements. An adult-oriented recreation business shall only be located in the C-T zone, and no such business shall be located within five hundred feet of residentially zoned territory, which is located upon the same street or streets, or is within five hundred feet of residentially zoned or residentially used properties as measured along street right-of-ways from the proposed location to the boundary line of said residentially zoned or used properties, or is located within five hundred feet measured radially of any building site containing a school, park, church or playground. Furthermore, no adult-oriented recreation business shall be located within one thousand feet of another adult-oriented recreation business.
- C. Specific Standards-View of Interior from Public Way. All building openings, entries and windows from adult entertainment establishments shall be located, covered or screened in such a manner as to prevent a

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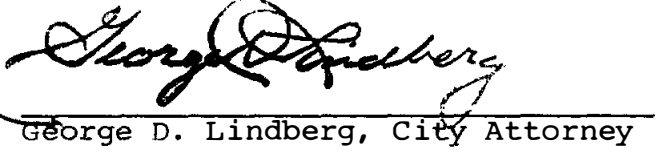
view into the interior, from any public or semipublic area, including public sidewalks, streets, arcades, hallways or passageways, of any material which has as its primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas, or of drug paraphernalia, as defined in this code. Further, such businesses may not have signs, graphics, or window displays which in any way present, depict, illustrate or describe any such material.

SECTION II: This ordinance shall take effect and be in full force and effect on the thirty-first day from and after its adoption.

Presented by

Approved as to form by


D. J. Peterson, Director of Planning

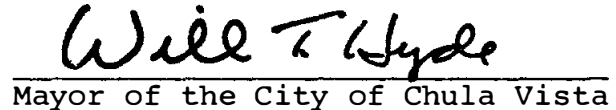

George D. Lindberg, City Attorney

FIRST READ at a regular meeting of the CITY COUNCIL of the CITY OF CHULA VISTA, CALIFORNIA, held October 13, 1981, and finally PASSED AND ADOPTED at a regular meeting thereof held October 20, 1981, by the following vote, to-wit:

AYES: Councilmen: Cox, McCandless, Scott, Hyde, Gilow

NAYES: Councilmen: None

ABSENT: Councilmen: None


Mayor of the City of Chula Vista

ATTEST 
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, _____, City Clerk of the City of Chula Vista, California, DO HEREBY CERTIFY that the above is a full, true and correct copy of Ordinance No. 1954, and that the same has not been amended or repealed. DATED _____.

City Clerk

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REVISED

RESOLUTION NO. PCA-81-8

RESOLUTION OF THE CITY PLANNING COMMISSION RECOMMENDING TO
THE CITY COUNCIL THE ADOPTION OF AMENDMENTS TO THE MUNICIPAL
CODE RELATED TO ADULT RECREATION USES

WHEREAS, Ordinance No. 1855, adopted by the City Council on February 13, 1979 added adult oriented recreation businesses to the list of conditional uses in the C-T zone, and

WHEREAS, in January 1981, the Fourth District Court of Appeals, in the case of City of Imperial Beach, v. Palm Avenue Books Inc., held that the subjection of proposed adult oriented businesses to the conditional use permit process mandated the discretionary review of the exercise of fundamental rights protected by the First Amendment to the U.S. Constitution and, therefore, was invalid, and

WHEREAS, the City Planning Commission set the time and place for public hearing to consider amending the Municipal Code to delete the requirement for a conditional use permit for adult oriented recreation businesses, and

WHEREAS, a hearing was held at said time and place, namely 7:00 p.m., June 10, 1981 in the Council Chamber, 276 Fourth Avenue, and said hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Planning Commission finds that the court decision necessitates the following amendments to the Chula Vista Municipal Code:

- a. Add Section 19.04.157 Narcotic or Drug Paraphernalia Shop, Definitions of., to read as follows:

Narcotic or Drug Paraphernalia Shop or head shop shall mean any business establishment or a portion of the premises of any business establishment

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wherein devices, contrivances, instruments or paraphernalia for smoking, sniffing or injection marijuana, hashish, cocaine, PCP or any controlled substance is displayed or offered for sale.

- b. Add subsection "O" to Section 19.40.020 Permitted uses in the C-T zone, to read as follows:

O. Adult oriented recreation businesses, subject to the provisions of Section 19.58.024.

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- c. Delete subsection "X" from Section 19.40.030 Conditional uses in the C-T zone.

- d. Amend Section 19.58.024 Adult-oriented recreation, subsection A to read as follows:

- A. The following described businesses are deemed to be adult-oriented recreation businesses, and shall only be permitted in the C-T zone.
- e. Add subsection 11 under A of Section 19.58.024, to read as follows:
11. Narcotic or drug paraphernalia shop
- f. Delete subsection B of Section 19.58.024 and change the designation of subsection C to B.
- g. Add subsection C to Section 19.58.024 to read as follows:

C. Specific Standards-View of Interior from Public Way.

All building openings, entries and windows from adult entertainment establishments shall be located, covered or screened in such a manner as to prevent a view into the interior, from any public or semipublic area, including public sidewalks, streets, arcades, hallways or passage-ways, of any material which has as its primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas, or of drug paraphernalia, as defined in this code. Further, such businesses may not have signs, graphics, or window displays which in any way present, depict, illustrate or describe any such material.

2. The Commission recommends that the City Council enact the proposed amendments to the Chula Vista Municipal Code.

3. That this resolution be transmitted to the City Council.

PASSED AND APPROVED BY THE CITY PLANNING COMMISSION OF CHULA VISTA,
CALIFORNIA this 12th day of August 1981 by the following vote, to-wit:

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AYES: Commissioners Stevenson, Green, Pressutti, R. Johnson

NOES: Commissioner Williams

ABSENT: Commissioners G. Johnson and J. O'Neill



Chairman

ATTEST:



Secretary

ORDINANCE NO. 1954

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTIONS 19.04.157, 19.40.020, 19.40.030 AND 19.58.024 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO THE REGULATION OF ADULT ORIENTED RECREATION USES AND DRUG PARAPHERNALIA SHOPS

By a unanimous vote on October 20, 1981, the City Council adopted and placed the ordinance on its second reading. The ordinance has the following three amendments: (1) it deletes the conditional use permit requirement for adult-oriented recreation uses; (2) adds narcotic or drug paraphernalia shops to those uses now regulated under this ordinance; (3) requires screening the internal display of adult-oriented material from public view and prohibits the depiction or description of such material on exterior signs, graphics or displays.

Copies of the ordinance are available at the office of the City Clerk, City Hall, 276 Fourth Avenue, Chula Vista.

Dated: 11/2/81


City Clerk